



City of Marietta

Meeting Minutes

COMMITTEE OF THE WHOLE

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Betty Lou Hunter, Ward 1
M. C. (Pete) Waldrep, Jr., Ward 2
John V. Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, December 6, 2004

5:15 PM

4th Floor Conference Room

Presiding: William B. Dunaway

Present: Betty Lou Hunter, M. C. "Pete" Waldrep, Jr., John Vincent Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

Also Present:

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Shelia R. Hill, City Clerk

CALL TO ORDER:

MINUTES:

20041216 Regular Meeting - November 8, 2004

Review and approval of the November 8, 2004 regular meeting minutes.

A motion was made by Council member King, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 0 - 0

Approved

Absent: Rev. Anthony Coleman and Philip M. Goldstein

BUSINESS:

20041374 BLW Report

Councilman Jim King reports on the actions of the BLW meeting of December 6, 2004.

Council member King reported on the actions of the Board of Lights and Water at their April 12, 2004 regular meeting. (See the April 12, 2004 regular Board of Lights and Water meeting minutes for details.)

Council member King informed Council that a motion was approved during the BLW meeting to nominate John Kane to serve on the Georgia Public Web (GPW) Board of Directors due to a potential conflict with the prior nominee. In addition, a motion was approved to nominate Robert Lewis as voting delegate and Herb Edwards as alternate voting delegate for the Georgia Public Web (GPW) Board.

Discussion was held regarding the need for Council to approve the Georgia Public Web nominations. City Attorney Douglas Haynie indicated that the decision would depend on whether Mr. Kane would be representing BLW, the City or both. It was the consensus of council to place these matters on the council consent agenda as separate actions for approval.

This matter was Reported.

20041366 Georgia Public Web (GPW) Board Nomination

Motion to nominate John Kane to serve on the Georgia Public Web (GPW) Board of Directors.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Approval - Consent Agenda

Absent: John V. Sinclair

20041410 Georgia Public Web Voting Delegate

Motion to nominate Robert Lewis as voting delegate and Herb Edwards as alternate voting delegate for the Georgia Public Web Board.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Approval - Consent Agenda

Absent: John V. Sinclair

20041308 Update - Delk Road LCI TOD Study

Presentation by staff of the Delk Road Transit Oriented Development (TOD) Livable Centers Initiative (LCI) study.

Planning and Zoning Senior Planner Dana Johnson presented a power point presentation regarding the Delk Road LCI. The City of Marietta and Cobb County are in the process of working with our consultants on the Delk Road Transit Oriented Development (TOD) Livable Centers Initiative (LCI) study. The study is for the creation of a redevelopment master plan using a TOD concept near the proposed Georgia Regional Transportation Authority (GRTA) Bus Rapid Transit (BRT) station. Staff will obtain a draft plan document by December 14, 2004 and will provide them to the Mayor and City Council members once they are received.

This matter was Reported.

20041367 Johnny Walker Homes Update

Discussion about the next steps in the Johnny Walker Homes process pursuant to the vote taken at the Special Called Meeting of November 29, 2004, (council preferences, bid specifics, property payment, time table possible motions.)

Gary Mongeon, Executive Director of the Marietta Redevelopment Corporation, presented a power point presentation regarding redevelopment alternatives for the Johnny Walker Homes Site. The presentation was a review of the site development and cost issues associated with mixed use. Also included were market research observations and implications for land use. Lastly, Mr. Mongeon reviewed the disposition alternatives and staff recommendations.

Some key points to consider before making a decision are: 1) should Council maintain its current goal of transforming Johnny Walker Homes into a mixed use/new urbanism development, 2) is Council prepared to commit TAD financing to the project, 3) is Council willing to sell the land below its assembly cost to achieve project benefits, 4) does Council wish to allow neighborhood impact issues to influence the sale process?

At this point Council could initiate rezoning to MXD or another appropriate designation. Staff could be directed to draft a new proposal solicitation based on a consensus regarding the preceding questions. Otherwise, Council could request a recommendation from the MRC prior to making a decision.

Council member Waldrep asked a question regarding the percentage of vacant commercial space along Powder Springs Street and Whitlock Avenue. Mr. Mongeon replied that about 20% of commercial space was vacant market wise in Marietta. Although, the MRC could do an inventory for exact numbers.

Discussion was held regarding the optional next steps. Mayor Dunaway suggested that staff make the same presentation before the Marietta Redevelopment Corporation for a recommendation. Council member Goldstein suggested that rezoning take place if the consensus is to have a mixed-use development.

Further discussion was held regarding the actual property to be rezoned. City Attorney Douglas Haynie mentioned that he has assembled all the parcels covered in the redevelopment area. The Marietta Housing Authority piece is 8.98 acres, the City through other acquisitions has 1.75 acres, which is a total of 10.73 acres for the entire site.

Staff was directed to conduct a survey to divide the property into two parcels, that which would be retained and that to be sold. The question was raised about the accuracy of determining the appropriate amount of right of way to retain versus the amount to be sold. Public Works Director Greg Teague stated that assumptions would have to be made based on the proposed signalization to be installed, sidewalk space needed, and landscaping details.

A question was also posed to City Attorney Haynie regarding comments from the public about selling the Johnny Walker Homes site to the highest bidder. Council wanted to know if there were any legal issues involved in selling public property. Mr. Haynie mentioned that by rezoning the property the city retains control over any developments. Furthermore, Georgia State law states that public property must be sold to the highest responsible bidder, which also gives the city more control.

20041413 Rezoning Advertisement for Johnny Walker Homes Property

Motion to approve advertisement of the City's intent to rezone the entire property, approximately 10.73 acres, known as the Johnny Walker Homes redevelopment property to MXD (Mixed-Use Development).

A motion was made by Council member Goldstein, seconded by Council member Waldrep, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 5 - 0 - 2

Recommended for Approval - Consent Agenda

Abstain: 2 - John Vincent Sinclair and Rev. Anthony Coleman

20041411 Authorization for Survey and Budget Amendment for Funding

Motion authorizing staff to conduct a survey and amend the Fiscal Year 2005 budget to appropriate funding for said survey of property known as the Johnny Walker Homes redevelopment property in two separate parcels: 1) front rights of way that the city will not sell, and 2) the remaining property the city plans to redevelopment and is willing to sell.

A motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:

Vote: 6 - 1 - 0

**Recommended for Council Agenda Non
Consent**

Vote Against: 1 - James W. King

Finance Director Monte Vavra mentioned that Lori Duncan, Budget Administrator, would be accepting the Distinguished Budget Presentation Award, which is the highest form of recognition in governmental budgeting from the Government Finance Officers Association. This would be the tenth consecutive year for Marietta to receive the award.

Council member Hunter presented a request from the Pension Board to allow Danny Lyle to receive his Distinguished Service Award at the Employee Award Ceremony on Friday, December 10, 2004. City Clerk Shelia R. Hill informed the committee that Mr. Lyle would also be recognized at the December 8, 2004 Council meeting.

A motion was made by Council member Hunter, seconded by Council member Waldrep, to allow Danny Lyle to receive his Distinguished Service Award at the Employee Award Ceremony on Friday, December 10, 2004 for his service on the Pension Board. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

Council member Hunter also mentioned that the last meeting of the National League of Cities was one of the best she has attended. She encouraged the other council members to get involved so that ideas that may benefit the City of Marietta could be brought forward.

Mayor Dunaway also encouraged council to attend the work sessions being held by the Marietta Housing Authority regarding Clay Homes to ensure that their opinions are being heard about the project. City Manager Bill Bruton mentioned that the Clay Homes property would have to be rezoned, however, a timeline has not been created. In addition, the legislature has presented a proposal related to property taxes that would destroy the use of TAD's in that area and council was advised to speak with the legislators concerning that matter.

20041371 MRC By-laws Amendment

Motion to amend the bylaws of the Marietta Redevelopment Corporation under Section 2, Composition, to designate the Cobb County Commission Chair as a non-voting member.

Motion to approve an amendment to Section 2, Composition of the bylaws of the Marietta Redevelopment Corporation to read as follows:

"The Board of Directors of the Corporation shall be composed of five (5) elected officials of the City of Marietta and the Cobb County Commission Chairman with the remaining members from the community at large. Appointments to the Board of Directors shall be made by the Marietta City Council ("City Council"). Each Director shall have one (1) vote, with the exception of the Cobb County Commission Chairman who shall be a non voting member, and no proxies will be permitted. The City Manager of Marietta, City of Marietta's Economic Development Officer, Superintendent for the Board of Education for the City of Marietta, and the Cobb County Manager shall serve as ex-officio members without a vote. The Board of Directors of the Corporation are expressly prohibited from altering, amending or repealing Article III, Section 2, of the bylaws without written approval from the City Council."

A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda as Amended - Non Consent. The motion carried by the following vote:

Vote: 4 - 3 - 0

**Recommended for Council Agenda as
Amended - Non Consent**

Vote Against: 3 - Betty Lou Hunter, Rev. Anthony Coleman and James W. King

20041387 Extension of MCCR Management Contract

Motion to extend the management contract for the Marietta Conference Center & Resort with Remington Hospitality until January 13, 2005.

City Manager Bill Bruton explained that the current management contract with Remington Hospitality expires on December 9, 2004 and should be extended until January 13, 2005, while details for a long-term lease agreement are worked out.

A motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval - Consent Agenda

20041375 Review of "Draft" Agenda

Review of the "draft" agenda for Wednesday, December 8, 2004.

The following amendments were made to the draft agenda:

- under Presentations: The presentation of a Distinguished Service Award to Danny Lyle for his service on the Pension Board was added to the regular meeting agenda. Further, a motion was made to also present the award during the Employee Service Pin Ceremony on Friday, December 10.*
- under Minutes: Agenda items 20041343 and 20041359 were added to the consent agenda for approval.*
- under City Council Appointments: Agenda item 20041373 was added to the consent agenda for the reappointment of Courtenay Vanderbilt. Agenda item 20041370 was added to the consent agenda for the reappointment of Mary West.*
- under Economic/Community Development: Agenda item 20040945 was moved to the Ordinances section of the agenda.*
- under Judicial/Legislative: Agenda item 20041320 was amended to include a variance to allow more than 2 houses off of a common drive.*
- under Parks, Recreation & Tourism: Agenda item 20040943 was removed from the consent agenda, with direction to the city attorney to prepare the necessary agreement for consideration.*
- under Public Works Committee: Agenda item 20041195 was removed from the agenda and referred back to the Public Works Committee.*
- under Other Business: Agenda item 20041389 was amended to give staff authority to dispose of property in December 2004, and added to the consent agenda for approval. Agenda item 20041176 was added to the consent agenda for approval.*

This matter was Discussed.

20041412 268 Lawrence Street Renovation Funding

Ordinance amending FY05 CDBG fund budget to receive and appropriate \$15,000 from Cobb County CDBG for renovating common space at 268 Lawrence Street.

A motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Recommended for Approval - Consent Agenda

20041364 Executive Session

Executive Session to discuss personnel, real estate, and/or legal matters.

The motion was made in open session by Council member King, seconded by Council member Goldstein, to enter an Executive Session to discuss legal and/or real estate matters. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

For: Betty L. Hunter, M. C. "Pete" Waldrep, Jr., Johnny Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made in open session by Council member Waldrep, seconded by Council member Goldstein, to close the Executive Session. The motion carried by the following

Vote: 7 - 0 - 0

Approved

For: Betty L. Hunter, M. C. "Pete" Waldrep, Jr., Johnny Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

ADJOURNMENT:

The meeting was adjourned at 7:04 p.m.

Respectfully submitted,

Shelia R. Hill, City Clerk

Approved: _____